

YOUTH SERVICES POLICY

Title: Marriage Requests Next Annual Review Date: 04/18/2014	Type: B. Classification, Sentencing and Service Functions Sub Type: 8. Youth Related Services Number: B.8.6
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References: La. R.S. 9:201 through 205; La. Civil Code, Article 86. ACA Standards 4-JCF-5C-02, 4-JCF-5C-07, 4-JCF-4C-19 (Performance-based Standards for Juvenile Correctional Facilities); Turner v. Safley, 482 US 78, 96 L.Ed.2d 64, 107S Ct 2254 (1987)	
STATUS: Approved	
Approved By: <i>Mary L. Livers, Deputy Secretary</i>	Date of Approval: 04/18/2013

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish the Deputy Secretary's policy concerning youth marriage requests.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Chief of Operations, Regional Directors, Facility Directors, Chaplains, facility staff and youth.

It is the Facility Director's responsibility to convey the contents of this policy to youth who make a request to be married while assigned to a secure care facility.

IV. DEFINITION:

Marriage – Marriage, as defined by La. Civil code, Article 86, is a legal relationship between a man and a woman that is created by civil contract. The relationship and the contract are subject to special rules prescribed by law.

V. POLICY:

It is the Deputy Secretary's policy that youth marriage requests be handled in accordance with the procedures outlined herein. The legal age for obtaining a marriage license is 18 years. Same sex marriages in Louisiana are prohibited.

VI. PROCEDURES:

- A. A youth's request to be married shall be submitted to the Deputy Secretary for final approval along with documentation referenced in Section B. below. The Deputy Secretary, in turn, shall notify the Facility Director, the appropriate Regional Director, and the youth in writing of his/her decision.
- B. The youth must certify that both parties meet all legal qualifications for marriage, as follows:
 - 1. Marriage applicants between the ages of 16 and 18 must have a signed affidavit of written consent executed before a notary and current picture identification of one of the following:
 - (a) Both of his parents,
 - (b) Surviving or custodial parent with certified copy of judgment granting sole custody or death certificate of other parent, or
 - (c) Legal guardian with proof of guardianship.
 - 2. Marriage applicants under the age of 16 must appear before a juvenile court judge with one of the three individuals listed in B.1 above.
 - 3. A minor emancipated by judicial decree does not require the consent of parents, tutor, or custodian to marry.

It is the responsibility of the youth to gather this information; however, the youth may request assistance from his/her case manager.

- C. Once the marriage is approved by the Deputy Secretary, the Facility Director may set an appropriate time and place for the ceremony.
- D. Furloughs shall not be granted solely for a marriage ceremony.

- E. The youth is required to participate in at least one counseling session with the facility Chaplain, which is intended to assess the youth's level of responsibility to make the decision to get married. The Facility Director shall discuss the marriage proposal with both parties, either personally or through a Chaplain, and document that the parties were counseled. In addition, the Facility Director or designee shall provide a courtesy notification to the parent/guardian of the youth's marriage request. Documentation of these actions must be filed in the youth's Master Record under Clip II.
- F. If the Chaplain chooses not to perform the marriage, he/she shall speak with the individual who is to perform the marriage to ensure that they are fully aware of the youth's situation. Only approved and licensed authorities (clergy and judges) shall be permitted to perform the marriage ceremony.
- G. If both parties are assigned to secure care facilities, the marriage shall be postponed until one of the parties has been released.
- H. The youth making the request must pay for all costs associated with the marriage.
- I. Nothing in this policy is intended to preclude staff from volunteering, with the Facility Director's approval, to assist the youth with the marriage ceremony, as long as such does not interfere with other facility activities and staff responsibilities.

Previous Regulation/Policy Number: B.8.6

Previous Effective Date: 08/02/2011

Attachments/References: